

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BILLY JOE CHAVEZ,

Defendant.

CR 17-3-BLG-SPW-TJC

**FINDINGS AND
RECOMMENDATION OF
U.S. MAGISTRATE JUDGE**

The Defendant, by consent, appeared before me under Fed. R. Crim. P. 11 and entered a plea of guilty to the Second Superseding Information (Doc. 23), which charges two counts of the crime of distribution of methamphetamine, in violation of 21 U.S.C. § 841(a)(1).

After examining the Defendant under oath, the Court determined:

1. That the Defendant is fully competent and capable of entering an informed and voluntary plea to the criminal offense charged against him;
2. That the Defendant is aware of the nature of the charges against him and the consequences of pleading guilty to the charges;

3. That the Defendant fully understands his pertinent constitutional rights and the extent to which he is waiving those rights by pleading guilty to the criminal offense charged against him; and
4. That his plea of guilty to the criminal offense charged against him is knowingly and voluntarily entered, and is supported by independent factual grounds sufficient to prove each of the essential elements of the offense charged.

Defendant had adequate time to review the Plea Agreement with counsel. Defendant fully understands each and every provision of the agreement, and all of the statements in the Plea Agreement are true.

Therefore, I recommend that the Defendant be adjudged guilty of the charges in the Second Superseding Information and that sentence be imposed.

Objections to these Findings and Recommendation are waived unless filed and served within fourteen (14) days after the filing of the Findings and Recommendation. 28 U.S.C. § 636(b)(1)(B); Fed. R. Crim. P 59(b)(2).

DATED this 6th day of April, 2017.



TIMOTHY J. CAVAN
United States Magistrate Judge